

**WORKSHOP & CONFERENCE PRESENTATIONS (continued):**

Hofer, P. (1998, March 26). Human Sexuality. Presentation made to Psychology of Women class at University of Guam.

Hofer, P., Gill, J., Leon-Guerrero, A., & Puzan, R. (1997, October). Depression in the Family Practice Client: When and How to Treat. Presentation made to primary care providers at Choice Plus, Oct. 3.

Hofer, P. (1997, August). Brief Therapy Skills for Adolescent Crisis Intervention. Presentation for training of Sanctuary caseworkers and Americorp volunteers, Ti'yan, Guam.

Hofer, P. (1996, November). Time Management and Mnemonic Devices: Learning to Learn. Presentation at the annual Language Arts Conference, Sponsored by the College of Education, University of Guam.

Hofer, P. (1996, October). Multicultural Assessment of I.Q. Poster presentation at 1996 Annual Meetings of National Academy of Neuropsychology in New Orleans

Hofer, P. (1996, October). Traumatic Brain Injury. Presentation at "Workplace 2001" sponsored by the Department of Vocational Rehabilitation, Park Hotel, Guam.

Hofer, P. (1996, October). Learning Disabilities. Presentation at "Workplace 2001" sponsored by the Department of Vocational Rehabilitation, Parc Hotel, Guam.

Morris, J. & Hofer, P. (1995, October). Problems with Traditional Assessment Tools in Multicultural Environments: Mini-Mental Status. Presentation at the 1995 Institute on Psychiatric Services in Boston, MA.

Hofer, P. & Cauthen, K. (1995, October). Dealing with Stress in Children. Workshop presented to parents and staff involved in Head Start, Department of Education, Guam Public School System.

Hofer, P. (1994, August). Chair: Multicultural Aspects of Teaching: A Pacific Islands Perspective. Symposium presented at the annual meetings of the American Psychological Association in Los Angeles.

Hofer, P. (1993, November). Dealing with Depression: Yours and Your Loved Ones'. Workshop presented for Guam Community College, Women's Resource Center.

WORKSHOP & CONFERENCE  
PRESENTATIONS  
(continued):

Hofer, P. (1993, November). Basic Psychopathology. Workshop presented for Department of Mental Health and Substance Abuse, as part of Rape Crisis Center volunteer training.

Hofer, P. (1993, November). Nuts, bolts, and loose screws of neuropsychological assessment. Lunchtime lecture in a series of Psychology Area informal presentations to all interested UOG staff/students.

Hofer, P. (1993, November). Time Management. Invited speaker at Guam Community College, Women's Resource Center.

Hofer, P. (1993, October). Issues in Caring for Elderly Parents. Invited speaker at Guam Community College, Women's Resource Center.

Hofer, P. (1993, September). Disaster Coping Strategies. Seminar presented in conjunction with the Department of Mental Health workshop on disaster preparedness.

Hofer, P. (1993, August). Dealing with the after-effects of a disaster. Invited speaker. Seminar presented to the Bank of Hawaii.

Holborn, P. (1992, October). Behavioral geography of the brain. Two lecture series for predoctoral Internship in Clinical Psychology Pro-seminar series at Alberta Hospital - Edmonton.

Holborn, P. (1992, January). The Neurobehavioral Cognitive Status Examination. What it is, how to administer it, and interpretative strategies. Lecture to Department of Psychology at Alberta Hospital -Edmonton as part of monthly Seminar Series on Assessment.

Holborn, P. (1991, November). Who, what, where, when, why, and how a Neuropsychologist is what he/she is. Invited speaker at the annual University of Alberta Undergraduate Society meetings, Edmonton, Alberta.

Holborn, P. (1991, October). Basic neuropsychology and neuroanatomy. Two lectures in predoctoral Internship in Clinical Psychology Pro-seminar series at Alberta Hospital - Edmonton.

Holborn, P. (1991, August). The relationship of neuropsychological evaluation to occupational therapy assessments. Invited speaker for Department of Occupational Therapy, Alberta Hospital - Edmonton.

Holborn, P. (1991, April). The use of neuropsychological tests in dementia evaluations.  
Invited speaker at the monthly meetings of the Edmonton Neurobehavioral Society, Edmonton, Alberta.

WORKSHOP & CONFERENCE  
PRESENTATIONS  
(continued):

Holborn, P. (1991, April). The nuts, bolts, and loose screws of Neuropsychological assessment. Invited speaker at the Department of Psychology, King's College, Edmonton, Alberta.

Holborn, P. (1990, October) Differentiating Multi-infarct from Alzheimer's Type Dementia. Presented at the annual meetings of the National Academy of Neuropsychology, Reno, Nevada.

Holborn, P. (1989, March) From Paint by Numbers to Dungeons and Dragons: Clinical Evaluation using Neuropsychological Assessment. Invited speaker at the Department of Psychology, St. Francis Xavier University, Antigonish, Nova Scotia.

Holborn, P. (1988, September) Depression and Bereavement in the Elderly. Workshop presented to the Geriatric Research and Education interdisciplinary treatment team, Wadsworth Hosp., Los Angeles, CA.

Holborn, P. (1988, September) Acute Confusional State: Neuropsychological Evaluation. Workshop presented to the neuropsychological training seminar, VAMC, Los Angeles, CA.

Holborn, P. (1986, November) Grief in the Elderly. Workshop presented to the Interagency Network of Community Resources for the Bereaved, Winnipeg, MB

COMMUNITY  
SERVICE:

2004 (Fall)	<b>Volunteer, Field Supervisor for Graduate Practicum Student (1)</b>
2003 (Fall)	<b>Volunteer, Field Supervisor for Graduate Practicum Student (1) and Internship Student (1)</b>
<b>2002</b>	<b>Volunteer, Crisis debriefing/counselling.</b> Assisting persons requesting post-typhoon mental health counselling after Chat'an (August) and Ponsona (December).
2001	<b>Volunteer, Crisis debriefing/counselling.</b> Assisting persons from police, Fire department and medical personnel on an 'as needed' basis for PTSD counselling. Trauma re-experienced secondary to Sept. 11, 2001.
(March)	<b>Volunteer, SDA Shooting debriefing/counselling.</b> Assisted SDA psychologist after estranged husband shot wife, another nurse, and 4 other individuals at SDA clinic during working hours.
2001 (Spring)	<b>Volunteer, Field Supervisor for Graduate Practicum Students (2) and Internship Student (1)</b>
2000 (Spring)	<b>Volunteer, Field Supervisor for Graduate Practicum Student (1)</b>
1999 (Spring)	<b>Volunteer, Field Supervisor for Graduate Internship Student (1)</b>
1997 (December)	<b>Volunteer, Supertyphoon Paka debriefing/counselling.</b> Assisted Red Cross, Salvation Army, & Individual Pastors/Priests in providing emergency counselling to individuals in emotional crisis after 173-mph winds of Supertyphoon Paka created a Disaster Area (declared by President Clinton, 21 Dec 1997). Therapy ongoing (P.T.S.D.) thru February 1998.
1997 (August)	<b>Volunteer, KAL Airline disaster.</b> Assisted in debriefing mental health volunteers from VARO, volunteered on day of disaster at the site (16 hours), provided transportation for medical personnel, offered follow-up care for disaster workers.
1996-1997(Feb)	<b>Volunteer, Operation Pacific Haven.</b> Worked with female Kurdish refugees. Performed psychological assessment, conducted therapy, and co-ran support group with Dr. Seyda Turk-Smith.
1996 - 1998	<b>Psychological Consultant</b> for Sanctuary: Crisis intervention and living center for adolescents, contact persons George Salas and Stephanie Smith.

COMMUNITY  
SERVICE

(continued):

- 1993 - present **Expert witness** for a variety of attorneys: Brooks & Brooks, William Bischoff, John C. Dierking, Roland Fairfield, Robert Keogh; the Attorney General's Office; and David Banes of the CNMI.
- 1993 - present **Medical Consultant** for U.S. Department of Disability regarding claims due to mental condition on Guam. Contact person Joel Gegarin.
- 1993 - present **Medical Consultant** for U.S. Social Security regarding claims of disability due to mental condition in the Pacific Islands, Federal Examiner: John Vanderburgh.
- 1993 - present **Instructor and emergency consultant** for Department of Mental Health and Substance Abuse Rape Crisis Center 80 hour training for volunteers, organised by Joan Glang.
- 1993 - present **Emergency counsellor** (pro bono) for faculty, staff and students at University of Guam.
- 1997 - present **Practicum and Internship Supervisor** for University of Guam and University of Oklahoma (pro bono).

**Expert Forensic Services Rendered (1997 - 2004)**

People of Guam vs Douglas B. Moylan  
Criminal Case No. CM-864-03  
Expert Clinical Psychological Evaluation re: Battered Spouse Syndrome  
For defense attorneys Civile and Tang  
Case completed December, 2004  
No testimony given

People of Guam vs Mamerto G. Mallo  
Criminal Case No. CF-0595-99  
Court-Appointed Psychiatric Expert re: Diminished Capacity, Civil Commitment, and/or  
Extreme Emotional Disturbance  
For defense attorney Peter C. Perez, court appointed attorney  
Second evaluation ordered by Judge Alberto C. Lamorena, III in October, 2004

People v William Sablan  
Federal Criminal Case No. 00-CR-531-D  
Expert Neuropsychological Consultant re: Pacific Island norms  
Review of records, charges, & assessment results of testing completed in 2001  
Personal consultation with Attorney Patrick Burke (San Francisco)  
Telephone consultations with Neuropsychologist, Dr. Todd Poch  
Case ongoing as of December, 2004

**Expert Forensic  
Services  
(continued):**

People of Guam v. Johnny C. Martinez  
Criminal Case CF-251-98  
Court-Appointed Psychiatric Expert re: Clinical Psychology including (but not limited to)  
Guidelines for Interviewing Sexual Abuse Victims,  
Learning & Memory, Statistics regarding False Reporting  
Psychological Testing, Report, consultation with defense attorney Richard P. Arens,  
Assessment ordered by Honorable Elizabeth Barrett-Anderson August, 2000

Rahman Golam vs. Mobil Mariana Islands  
Civil Case No. 00-0032  
Expert neuropsychological Consultant re: effects of head injury  
Neuropsychological assessment, deposition,  
& critique of opposing counsel's neuropsychological and psychiatric evaluations  
For plaintiff's attorney William Fitzgerald, CNMI  
Settlement accepted by plaintiff, September, 2001

People vs. Paul J. A. Merfalen  
Criminal Case No. CF 893-98  
Psychological Evaluation re: Mental Disorder, Competency to Stand Trial  
For defense attorney Richard Arens (court appointed attorney)  
Court-Appointed Psychiatric Expert Re: Clinical Psychology  
Assessment ordered by Honorable Frances Tydingco-Gatewood, March 2001  
Plea accepted, 2001

CNMI v Jeffrey D. Leon Guerrero  
Criminal Case No. 2019-110  
Expert Psychological Consultant on Memory  
For Defense attorney Joseph E. Horey, Esq. (court appointed attorney)  
Not allowed to testify due to not being on original witness list  
Defendant found not guilty of all charges, March, 2001

United States vs. Marky Onge Terrence  
Criminal Case No. 00-00028  
Psychological Evaluation re: Competency to Stand Trial  
For defense attorney Robert Hartsock, Asst. Attorney General  
Case ongoing as of November, 2004

United States vs. Lee Andrew Calma  
Criminal Case  
Psychological Evaluation re: Mental Responsibility  
For defense attorney John Gorman  
Case settled , defendant on probation, July, 2000

Superior Court of Guam Family Division  
In the Interest of the Santos Minors; JP-0285-98  
Expert witness re: Memory and Psychological Assessment  
For defense attorney Bruce A. Bradley; Testified August, 2000.

**Expert Forensic  
Services**

**(continued):**

Tasa Michael v. CNMI Insurance  
Personal Injury Claim  
Psychological evaluation, Report, consultation with prosecuting attorney  
Wayson Wong  
Settlement accepted, 2001

Superior Court of Guam Family Division  
In the interest of F.T., minor, JSP No. 273-97  
Psychological Evaluation, Treating Professional  
Minor released from CPS August, 2000

People of Guam v. Johnny C. Martinez (Guam)  
Criminal Case No. CF0251-98  
Psychological Testing, Report, consultation with defense attorney  
Richard P. Arens, Esq. - Plea accepted, 2001

Pohnpei State v. Scott Hamel (Pohnpei)  
Psychological Testing, consultation with P.D.,  
Psychological report; Testimony anticipated October, 2000  
Conviction, 2001

Shelly v. Continental Micronesia, Inc. (Guam)  
Civil Case no. CV1373-95  
Neuropsychological testing, treating professional, consultation  
with Prosecuting attorney, Thomas M. Tarpley, Jr.  
Settlement accepted, February, 2001

R.A., B.A., R.A., & J.A., minors v Max Ahlgren (Guam).  
Superior court of Guam, JSP Case #JP 30697, CWS Case No. 3202  
Psychological report reviewing treating experts' procedures  
and letters of recommendation.  
Consultation with defense attorney - No deposition taken to date.

Flores v Mesenbourg, et al (CNMI)  
U.S. District court Civ No. 94-0040  
Psychological testing conducted.  
Consultation with Asst. Attorney General  
Deposition taken (1998). Case settled out of court.

Cordovez v Kan Pacific Saipan, Ltd, et al. (CNMI)  
CHC #150426  
Neuropsychological evaluation of near-drowning victim;  
Consultation with prosecuting attorney, David Banes (1998)  
Case settled out of court.

## Expert Cases prior to 1997

Pohnpei State v. Tony Nakasone (Pohnpei)  
Telephone consultation after reviewing medical documents.  
No deposition taken. (1995)  
Pohnpei Supreme Court, F.S.M.  
PKD No. 260-94

### **Expert Cases prior to 1997** (continued)

U.S. v. Lesetmoe (Guam). Psychological assessment conducted  
and report generated with opinions. No deposition taken.  
Plea agreement accepted (1994) U.S. District court #CR-94-00038  
Consultant for Roland Fairfield,  
Family and Immigration Law Clinic, Inc.

Baza v Shell, Inc. (Guam). Neuropsychological assessment conducted  
and report generated with opinions. No deposition taken. (1994)  
Consultant for William Bischoff  
Brooks & Brooks, P.C.





**REPORT OF MARC A. FIRESTONE, PH.D.**

**IN THE MATTER OF**

**SANTOS V TINIAN DYNASTY**

**1. Qualifications**

**1.1. Education**

- 1.1.1. I am a trained physicist with B.S., M.S., and Ph.D. degrees in physics from The University of Michigan.
- 1.1.2. I completed over 1000 hours of in-house training in forensic engineering at von Haenel and Associate, Inc.

**1.2. Work Experience**

- 1.2.1. I spent over 20 years as a research physicist/engineer doing contract work for agencies of the federal government including NASA, the Department of Energy, and the Department of Defense. During this time period I worked for two universities and several private contract research companies. My professional responsibilities were in the general areas of satellite dynamics and control, controlled thermonuclear fusion reactors, and nuclear weapons phenomenology and effects. I have published over 30 scientific papers and reports in these areas and given numerous presentations at scientific conferences and workshops.
- 1.2.2. Since 1995 I have been employed full time as a forensic engineer. My cases cover a wide spectrum of technical issues that utilize my training and experience in the physical sciences and mathematics. These include slip/trip and fall, vehicular accidents, product defects, fire and explosion analysis, radiation effects, and bullet trajectory analysis. My clients include insurance companies, civil defense and plaintiff attorneys, and criminal defense attorneys and prosecutors. I have worked for numerous city, county, and state governmental agencies. I have presented a lecture series on vehicular accident reconstruction for M.C.L.E credit and given other lectures to attorney groups.

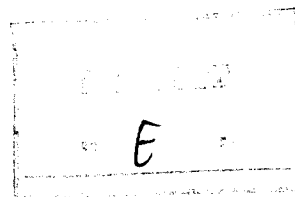
**2. Summary of the Case**

On 30 January 2004, Ms. Elenita Santos was walking down an outdoor staircase leading to the pool at the Tinian Dynasty Hotel when she fell and injured herself near the bottom of the staircase.

**3. Areas of Investigation**

I have been retained by the attorneys for the plaintiff, Elenita Santos, to analyze her fall and subsequent injuries.

**4. Opinions**



There were no handrails on either side of the staircase or at intermediate locations along its width. Thus, when Ms. Santos began to fall there was no means for her to regain her balance and either prevent the fall or mitigate its severity. The staircase width was measured to be 206.5 inches. The Uniform Building Code in section 1003.3.3.6 requires handrails on each side of a staircase and intermediate handrails every 88 inches along its width. These handrails must be between 34 and 38 inches above the landings and the nosing of the treads. The staircase at the Tinian Dynasty only had 16 inch high cement walls along the sides. Thus, the subject staircase was not in compliance with the safety requirements of the Uniform Building Code. This neglect was a probable factor in the injuries Ms. Santos suffered.

**5. Materials Reviewed**

Commonwealth Health Center Emergency Visit Record dated 1/30/04 at 1810 hours.

**6. Inspections**

- The subject staircase at the Tinian Dynasty Hotel on 3/3/04.
- Interview of Ms. Santos on 2/28/04 in the hospital.

**7. Compensation**

I have been engaged by the plaintiff's attorneys, O'Connor, Berman, Dotts & Banes, as a member of von Haenel & Associates, Inc. The rate charged for my services is \$250.00 per hour for all aspects of the case done at my office. Travel to Saipan and inspection and analyses was covered under a fixed price arrangement.

**8. Exhibits**

- 8.1. Publications authored by Marc A. Firestone within the past 10 years
- 8.2. Trial testimony of Marc A. Firestone within the past 4 years
- 8.3. Deposition testimony of Marc A. Firestone within the past 4 years
- 8.4. Curriculum Vitae of Marc A. Firestone, Ph.D.

Marc A. Firestone, Ph.D.

12 August 2005

## **PUBLICATIONS OF MARC A. FIRESTONE SINCE 1993**

“Science and the Law – A Personal Perspective,” **Citations**, Ventura County Bar Association, November 1998.

“Science and the Law – A Personal Perspective II,” **Citations**, Ventura County Bar Association, January 1999.

“Science and the Law – A Personal Perspective III,” **Citations**, Ventura County Bar Association, July 1999.

“Science and the Law – A Personal Perspective IV,” **Citations**, Ventura County Bar Association, February 2000.

“Developing Integrated Tokamak Dynamics Models for the Next-Generation Machine Control,” **Fusion Technology**, 32 (1997) 526.

“Comprehensive Feedback Control of a Tokamak Fusion Reactor,” **Fusion Technology**, 32 (1997) 390.

“Integrated, Model Based Feedback Control in Fusion Reactors,” **15<sup>th</sup> IEEE Symposium on Fusion Engineering**, Hyannis (1993)

“Use of Tokamak Dynamics Models for Digital Filtering and Control,” **15<sup>th</sup> IEEE Symposium on Fusion Engineering**, Hyannis (1993)

“Plasma Response Modeling for Multivariable Tokamak Control Design,” **15<sup>th</sup> IEEE Symposium on Fusion Engineering**, Hyannis (1993)

“Comprehensive Control of a Tokamak Fusion Reactor Utilizing Optimal Control Theory – Phase II SBIR Final Report,” **MRC-R-1445**, Mission Research Corporation, Santa Barbara, CA, July 1993.

DEPOSITION TESTIMONY OF MARC A. FIRESTONE SINCE 1998

- Misa v State of California 1/98 testified for the defendant
- Rothbart v Century Medical Plaza 4/27/98 testified for the defendant
- Richman v City of Los Angeles 5/26/98 testified for the defendant
- Saldivar v Brinks 3/13/99 testified for the defendant
- Medina v Valdivia & County of Ventura 4/7/99 testified for the plaintiff
- Alvarez v Hudson-General 5/25/01 testified for the plaintiff
- Dalton v Parada Construction 5/26/99 testified for the defendant
- Ashton v Sutton Trust 8/17/99 testified for the defendant
- Garcia v Bennett 8/20/99 testified for the defendant
- Raye Del Gato v State of California 10/12/99 testified for the defendant
- Castro v State of California 8/8/00 testified for the defendant
- Kaur v Ramirez, Unilab Corp., et al 9/00 testified for the plaintiff
- Alvarez v Hudson-General 5/25/01 testified for the plaintiff
- Geier v Scandia Apartments 7/20/01 testified for the plaintiff
- Cignal v Roberson 8/01 testified for the defendant
- Neel v Channel Harbor Foundation 2/14/02 testified for the plaintiff
- Lustig v University Podiatry Group 5/02 testified for the defendant
- Young v Vista Meadows HOA 5/02 testified for the defendant
- Lee v Stazzoni, Villia Rose 10/02 testified for the defendant
- Lustig v University Podiatry Group 3/19/03 testified for the defendant
- Nettles v California Inn 4/10/03 testified for the defendant
- Huertero v Wersching, Huntington Beach Police Department. 4/11/03  
testified for the plaintiff
- NATLSCO v Qualex, Inc. 9/15/03 testified for the defendant
- Lopez v State & A Partners 10/13/03 testified for the defendant
- Mogadam v Sherwood Development 11/14/03 testified for the plaintiff
- Valiente v Circle Inn Motel 3/17/04 testified for the defendant
- Graham v Pouliot, et al. 3/23/04 testified for the plaintiff
- Hector Roman Castillo v United States of America, et al. 7/20/04  
testified for the plaintiff
- Hillman v Conejo Wholesale Auto 11/30/04 testified for the plaintiff
- Molly Morris v William Morris, Mary Morris, et al., 3/1/05, testified for the  
plaintiff

TESTIMONY AT TRIAL BY MARC A. FIRESTONE SINCE 1999

- People v Jordan 2/24/99 Los Angeles County Municipal Court, testified for the defendant
- People v Blyston 4/29/99 Los Angeles County Superior Court, testified for the defendant
- Medina v Valdivia, County of Ventura 5/5/99 Ventura County Superior Court, testified for the plaintiff
- Dalton v Parada Construction 7/24/00 Los Angeles County Superior Court, testified for the defendant
- People v Lopez 8/23/99 Los Angeles County Superior Court, testified for the defendant
- Sale v Feldman 9/28/99 Los Angeles County Superior Court, testified for the defendant
- Park v Sanchez 10/5/99 Los Angeles County Superior Court, testified for the defendant
- Garcia v Bennett 10/99 Los Angeles County Superior Court, testified for the defendant
- People v Brian Nevins 1/24/00 Ventura County Municipal Court, testified for the defendant in Preliminary Hearing
- People v Lisa Welchert 4/00 Los Angeles County Superior Court, testified for the defendant
- People v O'Neill 8/00 Los Angeles County Superior Court, testified for the defendant
- Welch v McCulloch 10/00 Ventura County Superior Court, testified for the plaintiff
- People v Sandoval 1/01 Los Angeles County Superior Court, testified for the defendant
- Laing v City of Pasadena 1/24/01 Los Angeles County Superior Court, testified for the plaintiff
- People v Randolph Allen 2/01 Los Angeles County Superior Court, testified for the defendant
- Burroughs v Landa 5/17/01 Ventura County Superior Court, testified for the plaintiff
- People v Alexander Sanchez 5/01 Los Angeles County Superior Court, testified for the defendant
- Mann v Winchester's Grill 10/01 Ventura County Small Claims Court, testified for the defendant
- Alvarez v Hudson-General 6/7/01 Los Angeles County Superior Court, testified for the plaintiff
- People v Gonzales 1/02 Los Angeles County Superior Court Probation Hearing, testified for the defendant
- Verla Neel v Channel Harbor Foundation 3/7/02 Ventura County Superior Court, testified for the plaintiff

- People v Wallace Webb 5/02 Los Angeles County Superior Court, testified for the defendant
- People v Nelis Silcox 10/02 Los Angeles County Superior Court, testified for the defendant
- People v Gilbert Loya 2/3/03 Los Angeles County Superior Court, testified for the defendant
- People v Sean Graffam 3/11/03 Los Angeles County Superior Court – Beverly Hills, testified for the defendant
- People v Ernesto Hernandez Villalobos 4/10/03 Los Angeles County Superior Court, Alhambra, testified for the defendant
- People v Robert Chavez 4/18/03 Los Angeles County Superior Court, Criminal Courts Bldg., testified for the defendant
- Lustig v University Podiatry Group, et al. 4/23/03 Los Angeles County Superior Court - West District, Santa Monica, testified for the plaintiff
- Huertero v Wersching, Huntington Beach Police Department 5/14/03 U. S. District Court, Central District of California, Los Angeles; testified for the plaintiff
- People v Daniel Castillo 5/30/03 Los Angeles County Superior Court - Norwalk; testified for the defendant
- Ramos v Doud 6/13/03 Ventura County Superior Court, testified for the plaintiff
- People v Clarence Hughes 6/20/03 Los Angeles County Superior Court – LAX, testified for the defendant
- People v David Nava 6/24/03 Los Angeles County Superior Court – Central, testified for the defendant, Preliminary Hearing
- People v Vincent Sanchez 7/15/03 Ventura County Superior Court, testified for the defendant
- People v Daniel San Martin 8/11/03 Los Angeles County Superior Court – Citrus, testified for the defendant
- People v Henry Alvear 8/18/03 Los Angeles County Superior Court – Long Beach, testified for the defendant
- Schlag v Jack in the Box, Inc. 9/10/03 San Bernardino County Superior Court – Barstow, testified for the plaintiff
- People v Clarence Hughes 10/23/03 Los Angeles County Superior Court – LAX, testified for the defendant
- Martinez v Hagberg 10/30/03 Los Angeles County Superior Court – Central, testified for the respondent
- Grham v Pouliot, et al. 5/12/04 San Diego County Superior Court – Vista, testified for the plaintiff
- People v Oscar Blanco 7/22/04 Los Angeles County Superior Court-Long Beach, testified for the defendant
- People v Vicente Sanchez 9/23/04 Los Angeles County Superior Court-Pomona, testified for the defendant
- People v Michael Forouzan 11/9/04 Los Angeles County Superior Court-LAX Courthouse, testified for the defendant

- People v Carl Erickson 11/24/04 Ventura County Superior Court,  
testified for the defendant
- People v Jason Simpkins 7/27/05 Los Angeles County Superior Court,  
Juvenile Court – Sylmar, testified for the minor







*von Haenel and Associates, Inc.*  
FORENSIC ENGINEERING AND ACCIDENT RECONSTRUCTION

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**Curriculum Vitae**  
***Dr. Marc A. Firestone***

E-mail: [fireball@mailaps.org](mailto:fireball@mailaps.org)

**Education**

**The University of Michigan, Ann Arbor- 1967**

- B.S. Physics

**The University of Michigan, Ann Arbor - 1969**

- M.S. Physics

**The University of Michigan, Ann Arbor - 1974**

- Ph.D. Physics

**von Haenel and Associates, Inc, Glendale, California - 1995**

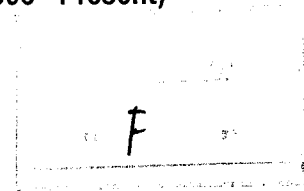
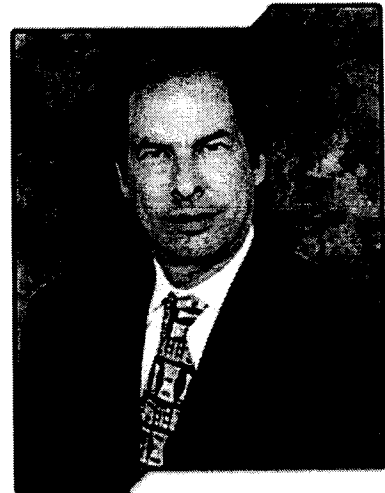
- Over 1,000 hours of seminars, workshops, research, and supervised field training in technical application of scientific principles to loss/claim investigation; and expert testimony in advocate forums.

**Affiliations**

- American Physical Society
- Sigma Xi (Honorary Scientific Society)
- New York Academy of Sciences

**Experience**

**von Haenel and Associates, Inc., Oxnard, California (1995 - Present)**



**Specialist:** Dr. Firestone couples his extensive professional research experience with his training and experience as a forensic engineer to handle complex cases involving the application of physical science and engineering principles. His cases have ranged from standard slip/trip and fall, vehicular accidents, product defect, and fire analysis to the effects of electromagnetic radiation on people. He has had trial experience in both civil and criminal cases and has testified for civil defendants, plaintiffs, criminal defendants, and the prosecution. Dr. Firestone has worked for a variety of private law offices, insurance companies, and government agencies. The latter include: The City of Los Angeles, the City of Burbank, The City of Torrance, Los Angeles County Public Defender's Office, Los Angeles County District Attorney's Office, Ventura County Public Defender's Office, State of California Attorney General's Office, and the State of California Department of Transportation.

**Chief Engineer:** Dr. Firestone was previously the Chief Engineer for the Glendale office. In addition to his normal duties as a Senior Engineer, Dr. Firestone also had Oversight and Management responsibility for Engineering activities of the Glendale office.

**JAYCOR, Santa Barbara, California (1993 - 1995).**

**Principal Research Physicist:** Electromagnetic protection, radar discrimination in a nuclear disturbed environment, plasma control for fusion and plasma processing.

**Mission Research Corporation, Santa Barbara, California (1986 - 1993).**

**Senior Research Scientist:** Developed analytical models for the hydromagnetic behavior of intermediate altitude nuclear bursts; atmospheric distribution of nuclear debris; effects of bursts upon communication, radar, and optical sensing systems. Also developed numerical nuclear weapons models for system level computer codes. Conceived, obtained funding for and directed a team which produced the only comprehensive control strategy for fusion grade plasmas in a tokamak reactor.

**University of California, Los Angeles, Los Angeles, California (1982 - 1986).**

**Senior Development Engineer:** Developed time dependent electromagnetic and power balance computer code for power producing tokamak reactor. Conceptual development of ECH tokamak. Analytic physics constraints for the initial start up of a fusion tandem mirror reactor. Additionally served as a Ph.D. thesis advisor and undergraduate instructor.

**Princeton University Plasma Physics Laboratory, Princeton, N.J. (1977 - 1982).**

**Professional Technical Staff:** Applied modern optimal control theory to plasma position and current control in tokamaks. Developed a realistic, engineering level computer simulation code of the plasma-external circuits interaction for analyzing feedback control in TFTR. Code was also used to study proposed TFTR discharge scenarios and make recommendations for equipment upgrades and operating procedures. Studied tokamak heating via multi-MeV ion beams.

**OA Corporation, Beltsville, MD. (1976 - 1977).**

**Systems Engineer:** Developed a detailed computer simulation of the NIMBUS satellite's in flight dynamics and control system.

**Computer Sciences Corporation, Silver Spring, MD. (1974 - 1976).**

**Mission Analyst:** Supervision, maneuver planning, and real-time attitude analysis for the Atmospheric Explorer missions. Development and implementation of a novel magnetic attitude control technique.

**Publications**

Dr. Firestone has over 30 professional publications in the fields of:

- Controlled thermonuclear fusion reactors;
- Nuclear weapons phenomenology and effects;
- Applications of optimal control theory;
- Satellite dynamics and attitude control; and
- Experimental nuclear physics.

### **Summary**

#### **Dr. Firestone's Primary Field of Expertise: Physics**

In addition, Dr. Firestone is also qualified to act as principal investigator in the scientific investigation of claims involving the following types of analysis:

#### ***Vehicles:***

- Determination of speed from Skidmarks, Post-Collision Dynamics and Crush in Collisions.
- Failure of Sub-Systems, including Steering, Braking, Fuel and Suspension in Collisions.
- Time-motion Studies.
- Determination of Critical Speed and Tipping Characteristics.
- Analysis of Highways for Design/Construction Hazards.

#### ***Products:***

- Determination of Failure of Mechanism.
- Defect in Product Design.
- Defect in Manufacturing Process.

#### ***Fire:***

- Cause and Origin of fires occurring accidentally in Structures and Vehicles.
- Arson.

#### ***Industrial:***


- Machine Design.
- OSHA and Other Code Compliance.
- Safety / Light Industrial Hygiene.
- Electronic Design and Packaging

#### ***Miscellaneous:***

- Environmental Testing
- Code Compliance relating to Stairways, Walkways and Ramps.
- Illumination, Temperature and Noise levels.
- Slip and Trip Analysis.
- Electronic and Nuclear Radiation Effects.
- Bullet and Projectile Trajectory Analysis.
- Physics of Human Movement.



Accountants and Management Consultants

Grant Thornton 

August 12, 2005

Mr. David Banes, Esq.  
O'Connor, Berman, Dotts & Banes  
P.O. Box 501969  
Saipan, MP 96950-1969

**Re: Santos v. Tinian Dynasty Hotel**

Dear David:

This letter will confirm our billing rates for the provision of expert witness services to your firm relative to the Santos v. Tinian Dynasty Hotel case.

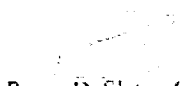
Our partner rates for case preparation, report preparation and testimony are \$125.00 per hour. Professional staff rates are \$65.00 per hour for Senior Accountants, \$55.00 per hour for Staff Accountants and \$45.00 per hour for Assistant Accountants. We also bill \$25.00 per hour for staff time devoted to the case.

In addition, we will bill for all out of pocket expenses.

Please let me know if you require any additional information relative to this matter.

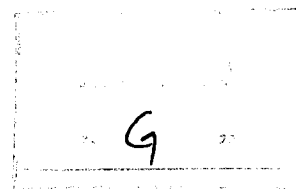
Sincerely,

GRANT THORNTON, LLP  
Accountants and Management Consultants

  
Roger D. Slater, CPA  
Managing Partner

Grant Thornton, LLP  
Guam and Micronesia

One World Plaza, Suite 200  
San Juan, Puerto Rico 00901  
P.O. Box 1049  
San Juan, Puerto Rico 00901



8/12/2005

**RESUME OF QUALIFICATIONS**

**ROGER D. SLATER, MBA, CPA**

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**GRANT THORNTON, LLP  
Guam and Micronesia  
Managing Partner  
Dhonson Plaza, Suite B  
790 Marine Corps. Drive  
Tamuning, Guam 96913  
(671) 649-3800  
(671) 687-6711**

**PROFESSIONAL EXPERIENCE****2005 to Present**

**Grant Thornton LLP  
Guam and Micronesia Office  
Managing Partner**

Partner in this general services CPA firm. Specializing in auditing, distressed entity consultation, forensic accounting, business valuations, trustee and receivership services and litigation support services.

**2000 to 2004**

**Slater, Nakamura & Co, LLP  
Certified Public Accountant**

Partner in this general services CPA firm. Specializing in auditing, distressed entity consultation, forensic accounting, business valuations, trustee and receivership services and litigation support services.

**1991 to 2000**

**Roger D. Slater, CPA  
Management Consulting Services**

Provided general and financial management services to clients on a consulting basis. Client base was primarily compiled of companies with special needs such as bankruptcies, financial and managerial difficulties and start-up ventures.

**1996 to 1998**

**Pacific International Co., Inc. - Tamuning, Guam  
Chief Financial Officer**

Assumed leadership of this company's financial operations at a time when it was about to undergo a major transformation. Working closely with parent company personnel and the CEO, was able to greatly simplify an overly complicated accounting and reporting system resulting in reduced staff and faster reporting. Oversaw the financial aspects of the closure of one major business and the sale of two others. In conjunction with those sales, led and participated in sensitive negotiations leading to those divestitures.

As the Company executive in charge of Human Resources, was able to reduce the department's cost by 80% while improving services to employees.

Worked closely with operational management to provide strong financial and accounting support for new businesses being built by the company.

**1993 to 1996**

**Atkins Kroll, Inc. - Tamuning, Guam  
Chief Financial Officer and Vice President for General Motors and Mercedes-Benz Division**

Atkins Kroll is a subsidiary of Inchcape plc, which is headquartered in London and is a \$9 billion international trading company.

Was recruited as Finance Director to resolve the company's accounting, reporting, internal control and financial problems. Resolved these problems within six months by simplifying and standardizing the accounting and



computer systems throughout the company's divisions. By closely monitoring cash flows and financing demands, overall borrowing requirements were reduced by 90% over two years. These actions allowed for financial accounting staff reductions of 75%.

As VP and General Manager of the General Motors and Mercedes-Benz Division, was tasked with establishing a stand-alone business (from a previous conglomeration with Toyota). Accomplished this goal by spearheading the development of new facilities, developing a strategic plan for the division, improving market share and margins, developing strong relationships with principals, building a cohesive team, developing aggressive marketing, advertising and promotional campaigns and returning the division to profitability.

**1992 to 1993**

**Calvo Specialty Retailing - Harmon, Guam**  
**Chief Operating Officer - \$6 million company**

Assumed control of company when it was suffering from management and profitability problems. Led the company while establishing a sound strategic plan, simplifying the accounting system, installing a computerized point-of-sale inventory control system, strong leadership, and hands-on management to create a high level of morale and productivity throughout the company.

**1984 to 1991**

**Metropolitan Insulation Supply Co., Inc. - Denver, CO**  
**President - \$6 million company**

Took over control of business when it was the smallest competitor in its market. Increased sales from \$1.8M to \$6M, in a market which declined 85%. Gained sales and profitability increases through market and strategic analysis, which resulted in a comprehensive company growth plan. This plan included four acquisitions, geographical expansion, and the adoption of a market oriented approach which was better able to identify customer needs and opportunities for the company.

**1981 to 1984**

**Island Equipment Company - Guam**  
**Corporate Controller - \$20 million company**

Island Equipment Company is a subsidiary of Schnitzer Steel Products which is a substantial conglomerate headquartered in Portland, Oregon.

Relocated accounting department from stateside location to Guam. Managed all accounting and finance functions and participated in the general management of the company's 18 businesses which included retail, wholesale, manufacturing, scrap recycling and real estate ventures.

**1978 to 1981**

**Atkins Kroll & Co., Ltd. - Guam, Saipan, the Philippines and San Francisco**  
**Corporate Comptroller - \$50 million company**

Atkins Kroll is a subsidiary of Inchcape & Company, Ltd., which is headquartered in London and is a \$9 billion international trading company.

Created and implemented standardized accounting systems, policies and procedures. Relocated to and/or worked in several locations within the corporation such as San Francisco, Guam, Saipan and the Philippines. Major

emphasis was on financial management, installing a comprehensive budgeting system, consolidating accounts and general management troubleshooting.

**1974 to 1978**

**Peat Marwick Mitchell & Co. Guam  
Supervising Senior Auditor**

Experienced in managing the audits of hospitality, automotive, public utility, international trading, retail, wholesale and service industries. Promoted quickly from Staff Auditor to Supervising Senior in three years.

**1973 to 1974**

**Palmer, Wiggs and Heston, CPA's - Guam and Micronesia  
Staff Auditor**

General Audit experience on a variety of engagements.

**EDUCATION**

University of Colorado  
Graduate School of Business Administration  
M.B.A. Executive Program, 1990  
Class Rank: 1 of 44; GPA: 4.0  
Currently ranked in the top 1.2% of all graduates

University of Denver  
B.S. in Business Administration, 1973  
Major: Accounting

Arapahoe Community College  
A.A. in Business, 1971

**PROFESSIONAL AND COMMUNITY CERTIFICATES & ORGANIZATIONS**

- Certified Public Accountant - Guam, 1975
- Certified Public Accountant - Colorado, 1986
- Guam Board of Accountancy, served two terms
- National Association of State Boards of Accountancy, past member
- Guam Society Certified of Public Accountants
- American Institute of Certified Public Accountants
- Former Chairman - Fundraising Committee for Boy Scouts
- Micronesia Conservation Society - Founder, Secretary/Treasurer
- Guam Power Authority Board of Directors

**OTHER QUALIFICATIONS AND EXPERIENCE**

- U.S. Bankruptcy Trustee
- Receiver for the HIH and the FAI Insurance companies

**MILITARY**

- United States Army - 1968 to 1970
- Military Intelligence Command
- Vietnam Veteran - Honorable Discharge

**ROGER D. SLATER, CPA, MBA**  
**Experience as an Expert**

**Cases in which Roger D. Slater has been qualified as an expert witness and provided expert testimony:**

<u><b>Case</b></u>	<u><b>Expert Services</b></u>	<u><b>Type of Dispute</b></u>
1. Time Marketing v. Pacific International Company	Damage expert	Lease dispute
2. IIU v. Takagi & Assoc.	Accounting and damage expert	Unfair trade practices
3. Atalig et al v. The Rota Municipal Council	Damage Expert	Wrongful termination
4. Marine Resources Corp. v. The Department of Land and Natural Resources	Accounting and damage expert	Contractual dispute
5. Richardson v. Richardson	Accounting expert	Divorce

**Cases in which Roger D. Slater has been retained as an expert and issued a written report, but have not testified:**

<u><b>Case</b></u>	<u><b>Expert Services</b></u>	<u><b>Type of Dispute</b></u>
6. GE Capital v. Reyes Helicopter	Accounting and damage expert	Collection dispute
7. Nissan Motors v. Keico Motors and Kim	Accounting and damage expert	Lease dispute
8. Royal Palm Homeowners Assn v. Ssangyong Construction, et al	Damage expert	Construction dispute
9. RCS, Inc. v. Shell Oil Guam	Accounting and damage expert	Contractual dispute
10. NPI (CNMI) Receiver v. Pacific Basin Insurance	Accounting expert	Collection dispute

<b><u>Case</u></b>	<b><u>Expert Services</u></b>	<b><u>Type of Dispute</u></b>
11. Anthony Ada v. Shell Oil Guam	Damage expert	Contractual dispute
12. Robert Steffy, U.S. Bankruptcy Trustee for GMHP v. Frank Rosario et al	Accounting and bankruptcy expert	Bankruptcy fraud
13. U.S. Department of Labor v. Mariana Fashion, Inc.	Accounting expert	Labor dispute
14. Kings Restaurant, LLC v. Alcorn	Accounting and damage expert	Accounting and fraud dispute
15. Song, Jin Ja v. NMI Star Corp.	Accounting and damage expert	Fraud case
16. Makepeace v. U.S. Navy	Accounting and damage expert	Contractual dispute
17. Meyer v. Citibank	Accounting expert	Collection dispute
18. Sadhwani v. Medabalmi	Valuation expert	Business dissolution
19. Villagomez v. Grand Hotel	Damage Expert	Wrongful death case
20. Camacho v. MPLA	Damage expert	Land taking case
21. Young Ha Lee v. Mobil Oil	Accounting and damage expert	Contractual dispute